

**SUPREME COURT MINUTES
MONDAY, SEPTEMBER 10, 2001
SAN FRANCISCO, CALIFORNIA**

- 6th Dist. Marcos H., Petitioner
H023301 v.
S099726 Santa Clara County Superior Court, Respondent
People, Real Party in Interest
Pending final determination of the petition for review filed
herein, all proceedings before Judge Raymond J. DaVilla in Santa
Clara County Superior Court case number J122751, entitled People
v. Marcos H., are hereby stayed.
- 1st Dist. Ultramar Diamond Shamrock Corporation, Petitioner
A096078 v.
Div. 1 San Francisco County Superior Court, Respondent
S100444 South Tahoe Public Utility District, Real Party in Interest
Application for stay and petition for review DENIED.
Kennard, J., and Baxter, J., were recused and did not participate.

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

- A084899/S099175 People v. Tremaine Wheaton – October 16, 2001.
- A089528/S099131 People ex rel Thomas J. Orloff, as District Attorney, etc. v.
Pacific Bell et al. – October 12, 2001.
- A090424/S099093 People v. Nikolay Mgebrov – October 12, 2001.
- B138694/S099239 People v. Shaun R. Scott – October 15, 2001.
- B139140/S099164 Robin Hicks v. Kaufman and Broad Home Corporation –
October 15, 2001.
- B144386/S099120 In re Walter S., a Person Coming Under the Juvenile Court
Law; People v. Walter S. – October 14, 2001.

B144665/S099145 In re Thomas Ramirez on Habeas Corpus – October 15, 2001.

B147822/S099282 Christopher Charles Collins v. Ventura County Superior Court; People, RPI – October 18, 2001.

B150088/S099257 Bloch Medical Clinic v. Workers' Compensation Appeals Board; Bernice Lowery – October 18, 2001.

B151223/S099150 In re Carnell U. Pratt on Habeas Corpus – October 12, 2001.

C031460/S099119 People v. Daniel Robinson – October 12, 2001.

D036580/S099202 Nicanor Romero et al. v. San Diego County Superior Court; Ryan N., a Minor et al., RPIs – October 16, 2001.

G023182/S099244 Presley Homes Incorporated v. American States Insurance Company – October 18, 2001.

G028140/S099172 In re Esteban Noe Chavez on Habeas Corpus – October 16, 2001.

F032743/S099045 People v. Frankie Javier Salazar – October 12, 2001.

H020211/S099174 People v. James William Niebauer – October 16, 2001.

H020588/S099255 People v. Tuan Van Le - October 18, 2001.

S018637 People, Respondent

v.

Jackie Ray Hovarter, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including October 26, 2001.

S090230 In re Dean Phillip Carter
 on
 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including October 9, 2001.

S092813 In re Maureen McDermott
 on
 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including October 4, 2001.

S093551 In re Michael Ray Burgener
 on
 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including October 4, 2001.

S093725 In re Derron McLead
 on
 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including October 3, 2001.

S096831 In re Lee Max Barnett
 on
 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including October 9, 2001.

S096874 In re Dean Phillip Carter
 on
 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including October 9, 2001.

S013187 People, Respondent
 v.
 Randy Steven Kraft, Appellant

In the above-entitled matter the court filed its decision on August 10, 2000, because of the following extraordinary and compelling circumstances:

1. The length of the record on appeal (10,357 clerk's transcript pages and 27,373 reporter's transcript pages).
2. The number and complexity of issues presented.
3. The necessity to consider and decide numerous petitions filed by appellant, in propria persona, seeking to discharge appointed counsel.

4th Dist.
Div. 3 Transfer Orders

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Three to Division One:

G027056	Richard Susag v. City of Lake Forest
G027338	Scottsdale Insurance v. Essex Insurance
G026597	Stephen Turner v. Stephens & Kray
G026659	Walt Disney World v. Montgomery Kone Inc.
G027484	Djilali Cherifi v. R.J. Ziccardi Jr.
G026484	Gemini Aluminum Corp v. California Custom Shapes Inc.
G027541	Lisa Trapani v. Prudential Insurance
G026472	Pamela Foley v. Redmond McAneny
G027103	K & K Marble Importers v. Sovereign Bancorp of Nevada
G027453	Kevin Magee v. Morgan Stanley, Dean Witter & Co.
G027737	Henry Fernandez v. B. Donald Grant
G027226	Donna Marie Ashley v. Russell Chinen
G027576	Caren Ober v. Glen Mozingo

G026093 Jong Chang Cho v. Kacy Chi
G027175 Berger, Kahn, Shafon etc. v. Sailor Kennedy
G027290 David Chorak v. City of San Juan Capistrano
G027230 Sportsplex USA v. City of San Clemente
G027224 Roderick Seagraves v. City of Laguna Beach
G027433 United Services Automobile v. Alaska Insurance Co.
G026949 Jeremy Anish v. Backbay Gardens Homeowners
G027566 Doris Layhee v. Prestige Stations, Inc.
G027734 Bullet Freight Systems, Inc. v. Fireman's Fund Ins.
G027846 Carey Premix, Inc. v. Ortega Rock Quarry
G027330 Soffa Electric Inc. v. The Whiting-Turner
Contracting Co.
G027160 Jani-King of California v. City of Irvine
G026604 John Burris v. Milton Grimes
G028246 In re the Marriage of Robyn and Anthony Robin
G027661 Norman Parsons v. Orange County Sanitation Dist.
G026273 Ace Boiler v. St. Paul Surplus Lines Insurance
G027409 California Insurance v. Richard Petrisevac

Bar
Misc.
4186

In the Matter of the Application of the Committee of Bar Examiners
of the State of California for Admission of Attorneys

The written motion of the Committee of Bar Examiners that the
following named applicants, who have fulfilled the requirements for
admission to practice law in the State of California, be admitted to
the practice of law in this state is hereby granted, with permission to
the applicants to take the oath before a competent officer at another
time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S098697

In re **Thomas Brent Richey** on Discipline

It is hereby ordered that **Thomas Brent Richey, State Bar No. 109399**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098698 In re **Michael Newton Alexander** on Discipline

It is hereby ordered that **Michael Newton Alexander, State Bar No. 105279**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098700 In re **James Terrill Locke** on Discipline

It is ordered that **James Terrill Locke, State Bar No. 127516**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including five months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 10, 2001. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004. (Business & Professions Code section 6086.10.)

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098701 In re **Eugene Button** on Discipline

It is ordered that **Eugene Button, State Bar No. 43263**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed April 30, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S098813 In re **John R. Livingston** on Discipline

It is ordered that **John R. Livingston, State Bar No. 80324**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. The period of actual suspension shall be consecutive to the period of actual suspension imposed in SO88325 (94-O-16080). Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed May 15, 2001. Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2002, 2003 and 2004.

S098814 In re **Eric Leimseider** on Discipline

It is ordered that **Eric Leimseider, State Bar No. 69116**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for four years subject to the conditions of probation, including 90 days actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 11, 2001. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2002 and 2003. (Business & Professions Code section 6086.10.)

*(See Bus. and Prof. Code, § 6126, subd. (c).)

- S100264 In the Matter of the Resignation of **William P. Imperial**
A Member of the State Bar of California
The voluntary resignation of **William P. Imperial, State Bar No. 98400**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. and Prof. Code, § 6126, subd. (c).)
- S100266 In the Matter of the Resignation of **Steven Gregg Johnson**
A Member of the State Bar of California
The voluntary resignation of **Steven Gregg Johnson, State Bar No. 148878**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. and Prof. Code, § 6126, subd. (c).)
- S100269 In the Matter of the Resignation of **H. David Schmerin**
A Member of the State Bar of California
The voluntary resignation of **H. David Schmerin, State Bar No. 31847**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. and Prof. Code, § 6126, subd. (c).)

S100292 In the Matter of the Resignation of **Francine Diane Needles**

A Member of the State Bar of California

The voluntary resignation of **Francine Diane Needles, State Bar No. 95776**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)